

RNTPC Paper No. A/YL-KTS/1103
For Consideration by the
Rural and New Town
Planning Committee
on 5.12.2025

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1103

Applicant : House of Joy and Mercy Co. Ltd. represented by Aikon Development Consultancy Ltd.

Site : Government Land (GL) in D.D.103, Ko Po San Tsuen, Kam Tin, Yuen Long

Site Area : About 1,060m²

Land Status : GL

Plan : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15

Zoning : “Agriculture” (“AGR”)

Application : Renewal of Planning Approval for Temporary Animal Boarding Establishment and Associated Filling of Land for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary animal boarding establishment (ABE) and associated filling of land for a period of five 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, both ‘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 with valid planning permission under application No. A/YL-KTS/867 until 18.12.2025 (**Plans A-1 to A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves a single-storey structure with a height of about 4m and a total floor area of 500m² for dog shelters, ancillary office with staff/volunteer common room and toilet. The remaining area of about 560m² will be uncovered and used as dog playground and courtyard. The applied use will accommodate no more than 50 dogs at a time. The operation hour will be 9 a.m. to 9 p.m daily, with 24-hour animal boarding services. All dogs staying overnight will be kept inside the enclosed concrete structures fitted with soundproof materials, closed

thick glass windows and air conditioning systems beyond the operation hours (i.e. 9:00 p.m. to 9:00 a.m. daily). At least one staff will stay overnight to manage the applied use. All the existing trees within the Site will be maintained by the applicant. The existing metal fencing of 2.5m in height along the boundary of the Site will also be maintained to minimize potential nuisance to the surrounding areas. No public announcement system, loudspeaker, any form of amplification system or whistle blowing will be used at the Site at all times. One loading/unloading space for light goods vehicles will be provided within the Site. Sufficient maneuvering space will be provided within the Site to ensure that no vehicle will turn back onto the local access. The applicant also applies for regularisation of filling of land for 500m² (about 47 % of the Site) with concrete of about 0.5m to 1m in depth (to a level of not more than 8mPD) for site formation and no additional land filling will be carried out at the Site under the current application. The site layout plan and land filling area plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site is involved in two previous applications for temporary animal boarding establishment with or without associated filling of land for a period of three or five years (**Plan A-1**) (details at paragraph 6 below). The last application No. A/YL-KTS/867 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 18.12.2020. All time-limited approval conditions have been complied with and the planning permission is valid until 18.12.2025. Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents :
 - (a) Application Form with attachments and supplementary (Appendix I)
information (SI) received on 13.10.2025 and 20.10.2025
respectively
 - (b) Further Information (FI) received on 5.11.2025* (Appendix Ia)
 - (c) FI received on 26.11.2025* (Appendix Ib)
 - (d) FI received on 27.11.2025* (Appendix Ic)

** 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 Ic**. They can be summarised as follows:

- (a) The applicant is a charitable non-government organisation established in 2015 providing services including taking care of and finding new homes for homeless animals, and assisting the Government to rehome stray animals affected by New Development Areas projects etc., on a voluntary basis. The applied use also serves as a venue for promoting

animal adoption through regular group visits and volunteer opportunities. Since the approval of application No. A/YL-KTS/790 in 2018, the applicant has endeavoured to take forward the applied use, including complying with the approval conditions, obtaining the Short Term Tenancy from the Lands Department, and obtaining funding from the Development Bureau (DevB) under the “Funding Scheme to Support the Use of Vacant Government Sites by Non-government Organisation”. With all the approval conditions of the previous application complied with, the applicant would like to continue operating the ABE at the Site.

- (b) The applied use is in line with the Government’s policy initiatives on land utilisation. It was funded by DevB’s funding scheme to support the use of vacant government sites by non-government organisations, with a view to making gainful use of vacant government sites to take forward worthy projects for community, institutional, or other non-profit-making use on a short-term basis.
- (c) The Site is subject to two previous planning permissions for the same use and the planning circumstances, operation and development parameters of the current application remained unchanged comparing to that of the last approval. The design of the applied use has also given due considerations to minimise potential impacts and is not incompatible with the surrounding environment. The applied use would not generate adverse infrastructural nor environmental impacts on the surrounding areas.
- (d) The applicant will maintain communicate with the community to address the concerns on potential nuisance on the surrounding areas, if any, upon approval of the application.

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

As the Site involves GL only, the “owner’s consent/notification” requirement 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) are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) is relevant to the application and the relevant extract of which is attached at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in two previous applications (No. A/YL-KTS/790 and 867) for temporary ABE with or without filling of land. Both applications were approved with conditions by the Committee in 2018 and 2020 respectively on similar considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their concerns could be addressed by approval conditions. The planning permission for application No. A/YL-KTS/790 was subsequently revoked in 2021 due to non-compliance with the approval conditions. Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Compared with the last approved application No. A/YL-KTS/867, the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. All time-limited approval conditions have been complied with and the planning permission is valid until 18.12.2025.

7. Similar Application

There is one similar application (No. A/YL-KTS/935) involving temporary ABE without associated filling of land within the same “AGR” zone in the past five years, which was approved with conditions by the Committee in 2022 on similar considerations as mentioned in paragraph 6.1 above. Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) accessible from Kam Tin Road via a local track; and
 - (b) currently occupied by the applied use with valid planning permission under application No. A/YL-KTS/867 until 18.12.2025.
- 8.2 The surrounding areas are rural in character comprising predominantly storage/open storage yards (some with valid planning permission), ABE (with valid planning permission No. A/YL-KTS/935), vehicle repair workshop and scattered residential structures to the north of the Site, whereas the Au Tau Treatment Works and existing watermains and waterworks reserve are located to the immediate south and east of the Site respectively, with part of the watermains running underneath the southeastern portion of the Site.

9. Planning Intention

- 9.1 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.

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

10. Comments from Relevant Government Bureau/Departments

- 10.1 Apart from the government bureau/department as set out in paragraphs 10.2 and 10.3 below, other 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 IV** and **V** respectively.

- 10.2 The following government bureau has no objection to the application:

Policy Aspect

- 10.2.1 Comments of the Secretary for Development (SDev):

- (a) no objection to the application;
- (b) the construction of the animal boarding establishment was funded by the DevB’s funding scheme to support the use of vacant government sites by non-government organisations; and
- (c) policy support for the previous application No. A/YL-KTS/867 was given from land utilisation perspective.

- 10.3 The following government department conveys adverse comment on the application:

District Office’s Comments

- 10.3.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

- (a) no comment on the application; and
- (b) his office has received one adverse comment from the Kam Tin Rural Committee¹.

11. Public Comment Received During Statutory Publication Period

On 21.10.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the Kam Tin Rural

¹ The same submission was received during the statutory public inspection period of the application and the views are incorporated in paragraph 11.

Committee objecting to the application mainly on the grounds that the application is paving way for unauthorized development; the applied use would cause environmental, ecological and hygienic impacts on the surrounding areas; and the applicant has not consulted the nearby residence and the Kam Tin Rural Committee (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary ABE and associated filling of land for a period of five 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 has no adverse comments on the application from agricultural and nature conservation perspectives. The applicant also claims that the applied use is in line with the Government’s policy initiatives on land utilisation. In this regard, SDev confirms that the construction of the applied use was funded by DevB’s funding scheme to support the use of vacant government sites by non-government organisations and policy support was given for the previous application No. A/YL-KTS/867 for the same applied use at the Site from land utilisation perspective. In view of the above and taking into account the planning assessments below, there is no objection to the applied use on a temporary basis for a further period of five years.
- 12.2 Filling of land 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. 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.
- 12.3 The applied use is considered not incompatible with the surrounding areas which are occupied mainly by the Au Tau Treatment Works, ABE, storage/open storage yards, vehicle repair workshop and scattered residential structures (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that further significant adverse landscape impact from the applied use is not anticipated.
- 12.4 Other concerned 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 13.2 below. The applicant will also be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and other relevant environmental guidelines and legislation in order to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.
- 12.5 The application is considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal is anticipated; all

approval conditions under the previous approval have been complied with; and the five-year approval period sought, which is the same timeframe as the previous approval is reasonable.

- 12.6 There are two approved previous applications for the same use at the Site and one approved similar application within the same “AGR” zone in the vicinity of the Site in the past five years as detailed in paragraphs 6 and 7 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the local views conveyed by DO(YL) and public comment as stated in paragraphs 10.3.1 and 11 respectively above, the planning assessment and departmental comments above are relevant. In particular, the Site is currently occupied by the applied use with valid planning permission and the applicant has also committed to maintaining close communication with the community to address the concerns on potential nuisance to the surrounding areas upon approval of the application. Besides, any unauthorised development on the Site would be subject to planning enforcement action.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the local views and public comment mentioned in paragraphs 10.3.1 and 11 respectively above, PlanD has no objection to the application.
- 13.2 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 and be renewed from 19.12.2025 until 18.12.2030. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **19.3.2026**;
- (c) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (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;
- (e) if the above planning condition (b) 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

- (f) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials, 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**.

13.3 There is no strong reason to recommend rejection of the renewal application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments and SI received on 13.10.2025 and 20.10.2025 respectively
Appendix Ia	FI received on 5.11.2025
Appendix Ib	FI received on 26.11.2025
Appendix Ic	FI received on 27.11.2025
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Area Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**