

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/422

- Applicant** : Ms. Fu Lai Chu represented by Miss Poon Man Yi Elsa
- Site** : Lots 299 S.C RP (Part), 316 RP (Part) and 380 (Part) in D.D. 112, Shek Kong, Yuen Long, New Territories
- Site Area** : About 1,965m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/10
(currently in force)
- Approved Shek Kong OZP No. S/YL-SK/9
(at the time of submission)
- Zonings** : “Agriculture” (“AGR”) (94.5%)
(no change on the current OZP)
- “Village Type Development” (“V”) (5.5%)
[restricted to a maximum building height of 3 storeys (8.23m)]
(no change on the current OZP)
- Application** : Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary animal boarding establishment with ancillary facilities for a period of three years at the application site (the Site), which falls within an area mainly zoned “AGR” (94.5%) with a minor portion zoned “V” (5.5%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 use for the “AGR” zone which requires planning permission from the Town Planning Board (the Board), and it is neither a Column 1 nor Column 2 use for the “V” zone. According to covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Board. The Site is currently partly hard-paved, fenced-off, erected with temporary structures and occupied by the applied use without valid planning permission (**Plans A-3 and A-4**).

- 1.2 The Site is accessible from Kam Sheung Road (**Plans A-2 and A-3**). According to the applicant, the applied use involves 12 single-storey structures with height of not more than 4.5m and a total floor area of about 421.7m² for animal boarding establishment and ancillary site office, storage rooms, resting rooms and toilet. The applied use accommodates not more than 50 dogs at a time, and all dogs are kept inside enclosed structures equipped with mechanical ventilation and air conditioning systems after operation hours. No audio amplification system will be used within the Site at all times. Two parking spaces for private car and one loading/unloading (L/UL) space for light goods vehicle are provided at the Site. The operation hours, except for overnight animal boarding services, are between 8:00 a.m. and 8:00 p.m. daily, including Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawings A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 16.7.2025 and 22.7.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 15.8.2025* (**Appendix Ia**)
 - (c) FI received on 17.10.2025* (**Appendix Ib**)
 - (d) FI received on 5.11.2025* (**Appendix Ic**)
 - (e) FI received on 10.12.2025* (**Appendix Id**)
- * accepted and exempted from publication and recounting requirements*
- 1.4 On 5.9.2025 and 5.12.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

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 Id**, and can be summarised as follows:

- (a) The applicant has been operating the Canine Training Association at the Site to provide accommodation and training to abandoned dogs for over 20 years. The applied temporary use would not frustrate the long-term planning intention of the concerned zones.
- (b) The applied use generates infrequent trips only. No tree felling, land filling or excavation at the Site will be involved. Adverse traffic and environmental impacts are not anticipated. In support of the application, the applicant has submitted fire service installations (FSIs) and drainage proposals.
- (c) Regarding the Lands Department (LandsD)'s concern on lease breaches at the Site, the applicant will take appropriate follow-up actions including submission of Short Term Waiver application to LandsD. The applicant will also follow up with relevant animal boarding licence application to the Agriculture, Fisheries and Conservation Department.

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

The applicant is not a ‘current land owner’ but has complied with the 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) by posting site notice and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

- 4.1 The Site was hard-paved before incorporation of land filling clause in the Notes for the “AGR” zone on the draft Shek Kong OZP No. S/YL-SK/7 gazetted on 29.4.2005.
- 4.2 The Site is subject to a planning enforcement action (No. E/YL-SK/272) against unauthorized development (UD) involving use for place for animal boarding establishment (**Plan A-2**). Enforcement Notice has been issued. The Site is being monitored under established procedures.

5. **Previous Application**

The Site is the subject of a previous application No. A/YL-SK/87 covering a larger area for temporary open storage which was rejected by the Committee in 1999, and its considerations are not relevant to the current application due to different use involved. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Application**

There is no similar application within the same “AGR” zone. There is a similar application No. A/YL-SK/329 for temporary animal boarding establishment within the same “V” zone in the vicinity of the Site in the past five years, which was approved with conditions by the Committee in 2022 mainly on the considerations that the applied use on a temporary basis would not jeopardise the long-term planning intention of the “V” zone; the applied use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their concerns and public comment could be addressed by approval conditions. Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently partly hard-paved, fenced-off, erected with temporary structures and occupied by the applied use without valid planning permission; and
- (b) accessible from Kam Sheung Road.

- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, works site, workshop, village settlements, plant nursery, farmland and vacant land (**Plan A-2**).

8. Planning Intentions

- 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 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 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 at **Appendices III** and **IV** respectively.
- 9.2 The following government department has adverse comment on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long (DLO/YL), LandsD:

- (a) has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural Lots No. 299 S.C RP, 316 RP and 380 all in D.D. 112 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;
- (c) LandsD has reservation on the application since there is/are unauthorized structure(s) and use(s) on Lots No. 299 S.C RP and 380 both in D.D. 112 covered by the application which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (d) there is no Small House application approved or under processing at the Site; and
- (e) advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 25.7.2025, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual mainly expressing concern on the application as there is no previous planning approval for the applied use at the Site (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary animal boarding establishment with ancillary facilities for a period of three years at the Site mainly zoned “AGR” (94.5%) with a minor portion zoned “V” (5.5%) (**Plan A-1**). Whilst the applied use is not in line with the planning intentions of the “AGR” and “V” zones, the Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural perspective and DLO/YL, LandsD advises that there is no Small House application approved or under processing at the Site. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis of three years.
- 11.2 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, works site, workshop, village settlements, plant nursery, farmland 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 and considers that the applied use is not incompatible with surrounding landscape setting and significant adverse landscape impact is not anticipated. As the Site is mainly zoned “AGR”, an approval condition requiring reinstatement of the “AGR” portion 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 Other relevant government departments consulted, including the Chief Engineer/Mainland North, Drainage Services Department, 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 impacts caused by the applied use. Regarding DLO/YL, LandsD’s concern on the unauthorized structures and/or uses on the concerned lots of the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There is an approved similar application for temporary animal boarding establishment within the same “V” 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 decision.

- 11.5 Regarding the public comment as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. Planning Department's View

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 three years until 19.12.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 19.6.2026;
- (b) in relation to (a) above, the implementation of the revised 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 19.9.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 19.6.2026;
- (e) in relation to (d) 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 19.9.2026;
- (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 "AGR" portion 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 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 is not in line with the planning intentions of the "AGR" and "V" zones. The planning intention of the "AGR" zone 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, whilst the planning intention of the "V" zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. There is no strong planning justification in the submission for a departure from the planning intentions, 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 16.7.2025 and 22.7.2025
Appendix Ia	FI received on 15.8.2025
Appendix Ib	FI received on 17.10.2025
Appendix Ic	FI received on 5.11.2025
Appendix Id	FI received on 10.12.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout 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**